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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/519,115

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Renaud Dore

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EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

01/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/519,115

Applicant(s)

DORE ET AL.

Examiner

Brandon J. Miller

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Claims 1-5 remain pending in the present application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 2, and 4-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. .

Claim 2 recites "frequency change rejection by the access point of the existing network following a request from the terminal in this sense; or connection establishment rejection by the access point of the existing network following a request from the terminal in this sense." in lines 3-6. These limitations are unclear because the term "in this sense" does not adequately describe the request from the terminal. The limitation renders the claim indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 recites a similar limitation and is rejected under 35 U.S.C. 112, second paragraph given the same reasoning as above.

Claim 4 recites "a program comprising program means" in line 3. It is unclear what is meant by "program means". Such language does not adequately describe the functioning of the memory or program executed by the terminal. The limitation renders the claim indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following art rejection is based upon the best possible interpretation of the claim language in light of the rejection under 35 U.S.C. 112, second paragraph.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lipasti et al. (US 2002/0039357 A1) in view of Cromer et al. (US 7,146,433 B2).

Regarding claim 1 Lipasti teaches a method of creation of a new communication network by a wireless terminal (see paragraph [0023]). Lipasti teaches wherein the wireless terminal initially being part of an existing centralized network that includes an access point (see paragraph [0023]). Lipasti teaches initiation of a procedure for creating a new network including a declaration of the terminal access point of the new network, where the operating parameters of the new network are such that communications on the new network do not interfere with the existing network (see paragraph [0023], master-slave switch allows creation of a new network including a declaration of a new device as master device of the new network; master device reads on access point because it initiates connections). Lipasti does not specifically teach controlling association of a wireless terminal to a network and disassociation of the terminal from the existing centralized network. Cromer teaches an access point controlling association of wireless terminal to a network and disassociation of the terminal from the existing centralized network (see col. 19, lines 18-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Lipasti adapt to include association of a wireless terminal to a network and disassociation of the terminal from the existing centralized network because it is well known that access points, such as in Lipasti, control association and disassociation of mobile nodes to networks.

Regarding claim 2 Cromer teaches initiating disassociation in at least one of the following cases: frequency change rejection by the access point of the existing network following a request from the terminal; or connection establishment rejection by the access point of the existing network following a request from the terminal (see col. 2, lines 50-56).

Regarding claim 3 Norman teaches wherein the access point of the existing network initiates the disassociation (see col. 4, lines 18-22).

Regarding claim 4 Lipasti teaches a wireless terminal including an interface with a communication medium, a microprocessor, and a memory (see paragraph [0023] & [0024]). Lipasti teaches initiation of a procedure for creating a new network including a declaration of the terminal access point of the new network, where the operating parameters of the new network are such that communications on the new network do not interfere with the existing network (see paragraph [0023], master-slave switch allows creation of a new network including a declaration of a new device as master device of the new network; master device reads on access point because it initiates connections). Lipasti does not specifically teach disassociation of the terminal from a network. Cromer teaches disassociation of the terminal from a network (see col. 19, lines 18-24). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in Lipasti adapt to include disassociation of the terminal from a network because it is well known that access points, such as in Lipasti, control association and disassociation of mobile nodes to networks.

Regarding claim 5 Lipasti and Cromer teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Response to Arguments

4. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sherlock Pub. No.: US 2003/0123420 A1 discloses a system and method for detection and locating interferences in a wireless communication system.

Bahl et al. Patent No.: US 7,248,570 B2 discloses a system and method for coordinating bandwidth usage of a communication channel by wireless network nodes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



January 25, 2008



GEORGE ENG
PATENT EXAMINER